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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,689	04/01/2004	Kurt Smith	48288.830001.US1	9723
26582	7590	07/06/2007		
HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER NGUYEN, BINH AN DUC	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,689

Applicant(s)

SMITH ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-37,39,40 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-37,39,40 and 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Request for Continued Examination filed May 14, 2007 has been approved. Further, the Amendment filed May 14, 2007 has been received. According to the Amendment, claims 20, 22, 34, and 43-46 have been amended; wherein claims 1-19, 38, 41, and 42 have been previously canceled.

Note that, claim 47 has been previously presented, and is not new as indicated.

Currently, claims 20-37, 39, 40, and 43-47 are pending in the application.

Acknowledgment has been made.

Claim Objections

Claim 47 is objected to because of the following informalities:

In claim 47 the claim identifier should be indicated as "(previously presented)" instead of "(new)". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-37, 39, 40, and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (5,970,143) in view of DeVito (6,001,065).

Referring to claims 20, 34, and 43, Schneier et al. teaches an apparatus (or system) processing a multiplayer game configured to user biometric input, the apparatus comprising: at least one game platform; the at least one game platform comprising: a multimedia event engine to generate multimedia events based on an event sequence and transmit the multimedia events to at least one display to be viewed by a first group of users (5:44-65); and at least one multimedia event output to transmit multimedia events to the first group of users; at least one biometric signal input (biometric device 31) to receive biometric information **separate from a bios input** (e.g., keyboard)(Fig.1A) from a second group of users (one of the teams)(4:49-6:3; 22:18-65). Note that, the amended limitation of “the second group of users selected from a group of users consisting of at least one of the first group of users” is interpreted as any player from the plurality of game players participated in Schneier et al.’s game network (5:8-7:26; 10:49-12:34. Schneier et al. does not explicitly teach the limitations of: an event generation engine, the event generation engine uses the at least one biometric signal **separate from the bios signal** input to generate the event sequence (claim 20); and using biometric signal from the biometric sensor to generate an event sequence (claim 34). DeVito, however, teaches an apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces comprising: an event generation engine (10:5-55), the event generation engine uses the at least one biometric signal **separate from the bios signal** input to generate the event sequence Fig.1)(abstract; 4:8-65); at least one biometric sensor connected to the at least one biometric signal input (4:35-49; Figs. 1-3, 19); the plurality of biometric sensors

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corresponds to the number of user (Figs. 4A-4C, 19; 2:6-3:16; 4:21-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide DeVito's apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces to the network gaming of Schneier et al. to enhance reality in network gaming thus attracts more players to the game network.

Referring to claims 21 and 44, Schneier et al. teaches at least one server (central computer)(11:56-12:18); and wherein the game platform is a processor selected from a group consisting of an electronic game platform, a computer processor, a desktop computer, a server, a laptop computer, a portable electronic game, a cellular phone, or a PDA (10:6-48).

Referring to claims 22 and 23, Schneier et al. teaches at least one bios input (e.g., fingerprint or voice print data)(24:53-25:5); the bios input is selected from a group consisting of a mouse, a keyboard, and a joystick (10:44-48).

Referring to claims 24, 25, and 32, Schneier et al. teaches at least one biometric sensor connected to the at least one biometric signal input; the at least one biometric sensors (e.g., retina scanner, fingerprint reader) corresponds to the number of the second group of users (22:18-65); and at least one biometric signal interface between the at least one biometric sensor and the at least one biometric input (22:18-65). Note that, DeVito also teaches at least one biometric sensor connected wirelessly to the at least one biometric signal input (Fig. 19).

Referring to claims 26-28, 40, and 45, Schneier et al. teaches the at least one game platform comprises a plurality of game platforms connected by a network; and the network comprises Internet (10:6-48;12:2-9). Note that the central computer (12) or game platform is considered a server.

Referring to claims 29 and 30, Schneier et al. teaches wherein the game platform further comprises a user identifier, the user identifier identifies the second group of users from the first group of users (team play) (4:49-67; 5:26-65); wherein the second group of users equals the first group of users (team play).

Referring to claim 31, the limitation of "the second group of users selected from a group of users consisting of at least one of the first group of users" is interpreted as any player from the plurality of game players participated in Schneier et al.'s game network (5:8-7:26; 10:49-12:34).

Referring to claims 33 and 39, DeVito teaches the at least one biometric signal interface converts raw biometric information to a biometric signal input usable by the game platform (2:44-55; 10:5-13).

Referring to claim 35, DeVito teaches a processor generates a game score based on biometric input received from the plurality of biometric sensors (2:44-3:16; 4:8-49).

Referring to claims 36 and 37, wherein the processor located in the server (claim 36); and generating game score based on composite of individual game scores (claim 37), the Examiner hereby takes an Official Notice that these limitations are well known

in the gaming industry; especially in the network gaming to rearrange grouping of players and totalize game scores from each individual scores in the team.

Referring to claim 46, Schneier et al. teaches at least one gaming platform comprises a plurality of gaming platforms, and wherein the server is incorporated into one of the plurality of gaming platforms to coordinate the sequence of multimedia events displayed by the plurality of gaming platforms (11:56-12:18).

Referring to claim 47 Schneier et al. teaches the controller comprises at least one of a mouse, a keyboard, or a graphical user interface (10:44-48).

Response to Arguments

Applicant's arguments filed May 14, 2007 have been fully considered but they are not persuasive.

The applicant argued that the combination of Schneier et al. and DeVito does not disclose "at least one biometric signal input to receive biometric information separate from a bios input from a second group of users, the second group of users selected from a group of users consisting of: all the first group of users, at least one of the first group of users, or none of the first group of users; an event generation engine, the event generation engine uses the at least one biometric signal input separate from the bios input to generate the event sequence" (Applicant's remark, page 7, 1st full paragraph) is deemed not to be persuasive. Schneier et al. teaches an apparatus (or system) processing a multiplayer game configured to user biometric input, the apparatus comprising: at least one game platform; the at least one game platform

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comprising: a multimedia event engine to generate multimedia events based on an event sequence and transmit the multimedia events to at least one display to be viewed by a first group of users (5:44-65); and at least one multimedia event output to transmit multimedia events to the first group of users; at least one biometric signal input (biometric device 31) to receive biometric information **separate from a bios input** (e.g., keyboard)(Fig.1A) from a second group of users (one of the teams)(4:49-6:3; 22:18-65). Note that, the limitation of “the second group of users selected from a group of users consisting of at least one of the first group of users” is interpreted as any player from the plurality of game players participated in Schneier et al.’s game network (5:8-7:26; 10:49-12:34. DeVito, further, teaches an apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces comprising: an event generation engine (10:5-55), the event generation engine uses the at least one biometric signal **separate from the bios signal** input to generate the event sequence Fig.1)(abstract; 4:8-65); at least one biometric sensor connected to the at least one biometric signal input (4:35-49; Figs. 1-3, 19); the plurality of biometric sensors corresponds to the number of user (Figs. 4A-4C, 19; 2:6-3:16; 4:21-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide DeVito’s apparatus for measuring and analyzing physiological signals for active or passive control of physical and virtual spaces to the network gaming of Schneier et al. to enhance reality in network gaming thus attracts more players to the game network. Schneier et al. and DeVito, therefore, teach towards applicant’s claimed invention.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN


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Art Unit 3714